

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Demurice Abrams,	)	Case No. 7:24-cv-00047-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Sheriff Chuck Wright and Chindar Ryant,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on Plaintiff's pro se Complaint. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On January 24, 2024, the Magistrate Judge issued a Report recommending that this action be dismissed without issuance of service of process and without leave to amend. ECF No. 8. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Plaintiff has not filed objections to the Report and the time to do so has lapsed.<sup>1</sup>

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<sup>1</sup> The Report was initially mailed to Plaintiff's address of record on January 24, 2024. ECF No. 9. The mail was returned as undeliverable. ECF No. 10. Thereafter, the Clerk's Office received a telephone call from Plaintiff inquiring as to the status of the case. Plaintiff gave the Clerk's Office his new address and the Report was remailed on March 29, 2024. ECF No. 12. The Court received a formal change of address from Plaintiff on April 8, 2024. ECF No. 13. The second copy of the Report has not been returned and Plaintiff has not filed anything beyond the change of address.

### **APPLICABLE LAW AND ANALYSIS**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and adopts the recommendation of the Magistrate Judge. Accordingly, this action is **DISMISSED** without prejudice, without issuance of service of process, and without leave to amend.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

May 29, 2024  
Spartanburg, South Carolina